

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

KENTRELL HILL  
ADC #95734

PLAINTIFF

V.

4:08CV00144 JLH/JTR

REYES, Police Officer,  
13th Judicial Drug Task Force, et al.

DEFENDANTS

**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Judge J. Leon Holmes. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a "Statement of Necessity" that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.
3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

### **I. Discussion**

Plaintiff, who is currently incarcerated at the Cummins Unit of the Arkansas Department of Correction, has commenced this *pro se* § 1983 action alleging that his constitutional rights were violated when Defendants searched his home in Camden, Arkansas. *See* docket entry #2. As Defendants, Plaintiff has named: (1) Ouachita County Deputy Sheriff Jason Dickinson; (2) former Camden Police Officer Michael Benson; (3) Camden Police Officer Reyes; and (4) Camden Police Officer Reader. *See* docket entry#2.

The federal venue statute provides, in pertinent part, that:

(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in: (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought

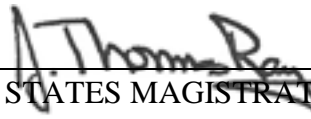
28 U.S.C. § 1391(b). Further, 28 U.S.C. § 1406(a) provides that a District Court may transfer a case to the District Court where venue is proper.

From the Complaint, it appears that the Defendants reside in and the relevant events occurred in Ouachita County, which is in the Western District of Arkansas, El Dorado Division. Accordingly, this case should be transferred to the Western District of Arkansas, El Dorado Division

### **III. Conclusion**

IT IS THEREFORE RECOMMENDED THAT the Clerk be directed to TRANSFER this case, pursuant to 28 U.S.C. § 1406(a), to the United States District Court for the Western District of Arkansas, El Dorado Division.

Dated this 18<sup>th</sup> day of March, 2008.

  
UNITED STATES MAGISTRATE JUDGE